

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIANNINA EMINEE GUARDIA
RULLAN,

Defendant.

Case No. 5:25-po-00137-CDB

ORDER ON DEFENDANT'S RENEWED
REQUEST TO APPEAR FOR INITIAL
APPEARANCE VIA REMOTE
TELECONFERENCE

(Doc. 7)

ORDER CONTINUING INITIAL
APPEARANCE

Defendant Giannina Eminee Guardia Rullan is charged by citation with violating 50 U.S.C. § 797 - Violation of Defense Property Security Regulation. (Doc. 1). Defendant's initial appearance on the citation is scheduled for June 3, 2025.

On May 30, 2025, counsel for Defendant, Richard O. Middlebrook, Jr., filed a motion seeking (1) to continue the initial appearance to August 12, 2025, and (2) for permission to allow both counsel and Defendant to appear via remote teleconference. (Doc. 5). Counsel represented in the motion that he and his associate both had scheduling conflicts that prevented them from appearing in-person (lead counsel being out of the country, co-counsel being out-of-district for an unrelated court appearance). The motion did not set forth any basis for relieving Defendant of the in-person appearance requirement. The Court denied the motion without prejudice, noting that it failed to comply with Local Rules 137(b) and 143(b). (Doc. 6). Further, The Court noted that,

1 given the importance of a criminal defendant's initial appearance and arraignment, it is this
2 Court's practice to grant a defendant's request to excuse in-person appearance from such
3 proceedings only upon a showing of extraordinary circumstances, which the motion failed to
4 establish. *Id.* The Court's order noted that Defendant could re-file and lodge a renewed motion
5 and proposed order that comports with the Local Rules.

6 Pending before the Court is Defendant's renewed motion, filed May 30, 2025, seeking
7 permission for both Defendant and counsel to appear at the June 3 initial appearance via remote
8 teleconference. (Doc. 7). The motion reasserts counsel's conflict to appear in-person and newly
9 sets forth that Defendant resides in Miami, Florida, and is unable to obtain a flight to California to
10 appear in-person for the June 3 initial appearance. Counsel for Defendant also emailed to the
11 undersigned's chambers a proposed order in .pdf format.

12 The motion again is defective in two respects. First, the undersigned's rules of practice
13 applicable to Central Violations Bureau (CVB) matters provides that requests to continue "must
14 be made at least one week prior to the scheduled hearing date."¹ Separately, Local Rule 144
15 requires counsel seeking to obtain an extension of a court deadline to make their request "as soon
16 as the need for an extension becomes apparent." E.D. Cal. L.R. 144(d). Given counsel's out-of-
17 country conflict and Defendant's out-of-state residency, it should have become apparent well
18 before the Friday preceding Defendant's June 3 initial appearance (a Tuesday) that counsel
19 needed an extension.

20 Second, once again, the motion and counsel's lodging of a proposed order does not
21 comply with Local Rule 137(b). *Cf.* (Doc. 6) (noting Defendant's original motion for a
22 continuance violated Local Rule 137(b)).

23 Accordingly, the Court will deny the motion. In light of counsel's proffer in the motion,
24 the Court will continue the initial appearance to July 1, 2025, at 10:00a.m. Counsel and
25 Defendant will be required to appear in-person, either in the federal district courthouse in
26 Bakersfield, CA, or the federal district courthouse in Fort Lauderdale, FL, to the extent that
27 courthouse may accommodate Defendant's remote appearance via teleconference. Counsel will
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¹ See <https://www.caed.uscourts.gov/caednew/index.cfm/attorney-info/cvb/bakersfield/>.

1 be directed to coordinate with the undersigned's courtroom deputy sufficiently in advance of the
2 continued initial appearance to facilitate any such remote appearance.

3 **Conclusion and Order**

4 For the reasons set forth above, Defendant's motion to permit remote appearance (Doc. 7)
5 is DENIED.

6 Further, the initial appearance set for June 3, 2025, is continued to July 1, 2025, at
7 10:00a.m., in Bakersfield (CDB).

8 Counsel and Defendant shall appear in-person for the initial appearance, either in the
9 federal district courthouse in Bakersfield, CA, or the federal district courthouse in Fort
10 Lauderdale, FL, to the extent that courthouse may accommodate Defendant's remote appearance
11 via teleconference. Counsel shall coordinate with the undersigned's courtroom deputy (Cori
12 Boren, CBoren@caed.uscourts.gov) sufficiently in advance of the continued initial appearance to
13 facilitate any such remote appearance.

14 IT IS SO ORDERED.

15 Dated: June 2, 2025

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UNITED STATES MAGISTRATE JUDGE